

Atty. Docket No.: 9409/2023C PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Samson, et al.	Examiner:	J. Seharaseyon
Serial No.:	09/939,226		
Filed:	August 24, 2001	Group Art Unit:	1647
Entitled:	"Methods for Identifying Compounds which Bind the Active CCR5 Chemokine Receptor"	Conf. No.:	3567

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF ALFRED GRAY UNDER 37 C.F.R. § 1.131

I, Alfred Gray, declare as follows:

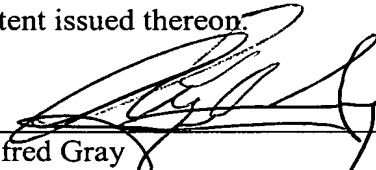
1. I, Alfred Gray, am the Vice President of Business Development of Euroscreen. I hold a Ph.D. degree in Biochemistry from Northwestern University of Evanston, Illinois. I received my Ph.D. degree in 1975. I am an authorized representative and officer of the Assignee of the above-referenced U.S. patent application Serial No. 09/939,226.

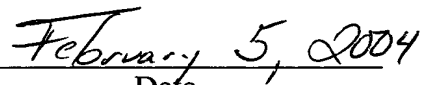
2. During the time period of March 26, 2002 through April 5, 2002, I had several telephone conversations and email exchanges with Debra Marion, the Office Manager of the United States scientific journal *Biochemistry*, to determine *Biochemistry's* standard manuscript review and publication procedures in the late 1995 to early 1996 time period.

3. In a telephone conversation on March 27, 2002, Debra Marion, the Office Manager of *Biochemistry*, relayed to me the information that is listed below.

4. A manuscript entitled "Molecular Cloning and Functional Expression of A New Human CC-Chemokine Receptor Gene" by Samson et al. was received in the *Biochemistry* editorial office on December 14, 1995 (hereinafter referred to as "the CCR5 manuscript").

5. The December 14, 1995 receipt of the CCR5 manuscript by *Biochemistry* was later confirmed in a letter dated April 18, 2002 from Mary E. Scanlan, Director of the Publications Division of the American Chemical Society (the publisher of *Biochemistry*) to Euroscreen's patent attorney David J. Dykeman. (See Exhibit A attached to the Submission Of Declarations Under 37 C.F.R. § 1.131 file herewith).
6. Under *Biochemistry's* standard operating procedures, within 1-3 days after receipt (December 14-17, 1995), the manuscript is assigned to an Associate Editor with appropriate training and expertise for the type of research represented by the manuscript. Following these procedures, the CCR5 manuscript was assigned to Associate Editor Dr. Earl Davie for review.
7. In an additional phone call with Debra Marion on April 4, 2002, Ms. Marion indicated that these activities were in accordance with *Biochemistry's* "Instructions To Authors" in effect in 1995. Page 1 of *Biochemistry's* "Instructions To Authors" in effect in 1995 states that "After this preliminary review, manuscripts are sent to two independent reviewers for evaluation." Following the preliminary review by Associate Editor Dr. Earl Davie, the CCR5 manuscript was sent out by *Biochemistry* for review by independent reviewers on January 4, 1996. A copy of *Biochemistry's* "Instructions To Authors" in effect in 1995 is attached as Exhibit J to this Declaration.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Alfred Gray

  
Date



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PO Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FREDERIC LIBERT UNDER 37 C.F.R. § 1.131**

I, Frederic Libert, declare as follows:

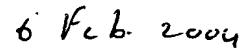
1. I, Frederic Libert, am an inventor of the U.S. patent application Serial No. 09/939,226 (hereinafter referred to as "the CCR5 patent application"). I hold a Ph.D. degree in Chemical Sciences from Brussels University. I received my Ph.D. degree in 1991.
2. I have read and reviewed U.S. Patent No. 6,265,184 entitled "Polynucleotides Encoding Chemokine Receptor 88C" filed on December 20, 1995, and issued on July 24, 2001. I have also read and reviewed U.S. Patent No. 6,268,477 entitled "Chemokine Receptor 88-C" filed on June 7, 1996, and issued on July 31, 2001, which is a continuation-in-part of U.S. Patent No. 6,265,184. U.S. Patent Nos. 6,265,184 and 6,268,477 are referred to herein as "the '184 and '477 patents". I understand that the '184 and '477 patents were listed on an Information Disclosure Statement filed in the above-identified application on May 10, 2002.
3. Prior to December 20, 1995 (the earliest effective filing date of the '184 and '477 patents), the inventors of Euroscreen's CCR5 patent application had conceived of the invention as claimed in Euroscreen's CCR5 patent application. The invention was reduced to practice with due diligence shortly thereafter.
4. From December 23, 1995 to January 2, 1996, I was on vacation for the Christmas and New Year's holidays.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



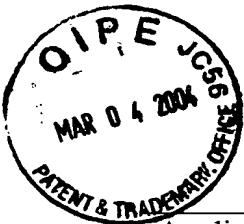
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Frederic Libert



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Date



Atty. Docket No.: 9409/2023C PATENT

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DECLARATION OF PIERRE NOKIN UNDER 37 C.F.R. § 1.131

I, Pierre Nokin, declare as follows:

1. I, Pierre Nokin, am President and Chief Executive Officer of Euroscreen. I hold a Ph.D. degree in Chemical Sciences from Brussels University. I received my Ph.D. degree in 1976. I am an authorized representative and officer of the Assignee of the above-referenced U.S. patent application Serial No. 09/939,226 (hereinafter referred to as "Euroscreen's CCR5 patent application"). All rights to Euroscreen's CCR5 patent application were assigned to Euroscreen by inventors Michel Samson (executed on May 26, 1997), Marc Parmentier (executed on May 21, 1997), Gilbert Vassart (executed on May 22, 1997), and Frédéric Libert (executed on May 22, 1997), as evidenced by a copy of the assignment executed by the four inventors, which is attached as Exhibit B to this Declaration. The inventors' assignment of their rights in the application to Euroscreen was submitted for recording in the U.S. Patent and Trademark Office on June 3, 2003.

2. I have read and reviewed U.S. Patent No. 6,265,184 entitled "Polynucleotides Encoding Chemokine Receptor 88C" filed on December 20, 1995, and issued on July 24, 2001. I have also read and reviewed U.S. Patent No. 6,268,477 entitled "Chemokine Receptor 88-C" filed on June 7, 1996, and issued on July 31, 2001, which is a continuation-in-part of U.S. Patent No. 6,265,184. U.S. Patent Nos. 6,265,184 and 6,268,477 are referred to herein as "the '184 and '477 patents". I understand that the '184 and '477 patents were listed on an Information Disclosure Statement filed in the above-identified application on May 10, 2002.

3. Prior to December 20, 1995 (the earliest effective filing date of the '184 and '477 patents), the inventors of Euroscreen's CCR5 patent application had conceived of the invention as claimed in Euroscreen's CCR5 patent application. The invention was reduced to practice with due diligence shortly thereafter.
4. On December 12, 1995, a manuscript entitled "Molecular Cloning And Functional Expression Of A New Human CC-Chemokine Receptor Gene" (hereinafter referred to as "the CCR5 manuscript") was sent by inventor and lead author Marc Parmentier for submission for publication in the United States scientific journal *Biochemistry*. The CCR5 manuscript described the sequence of the human CCR5 receptor, the expression in a stable recombinant cell line of the human CCR5 receptor, and the pharmacology (ability to recognize a set of specific chemokines in vitro) of the human CCR5 receptor. The CCR5 manuscript was the basis for the CCR5 patent application. The CCR5 manuscript was sent to the United States on December 12, 1995, addressed to Dr. Gordon G. Hammes, editor of *Biochemistry*, Room 081 Yellow Zone, Duke South, Duke University Medical Center, Durham, North Carolina 27710, U.S.A. A copy of the cover letter sent to the United States with the CCR5 manuscript on December 12, 1995 is attached as Exhibit G to the Declaration of Marc Parmentier filed herewith.
5. Between the submission of the CCR5 Manuscript to the United States scientific journal *Biochemistry* on December 12, 1995 and December 19, 1995, I had at least one conversation with the inventors of the CCR5 Patent Application regarding sending the CCR5 Manuscript to a patent attorney for preparation and filing of a patent application based on the CCR5 manuscript.
6. On December 20, 1995, I had a telephone conversation with patent attorney Eric Van Malderen relating to my instructions for preparation of a patent application on the discovery of CCR5. During the conversation, patent protection strategies inside and outside of the United States were discussed, and the filing of a European Patent Application followed by the filing of a PCT international application at the convention date was determined to be a prudent course of action for United States patent protection.

7. On December 21, 1995, I sent a copy of the CCR5 manuscript submitted to the United States scientific journal *Biochemistry* to patent attorney Van Malderen for preparation of a patent application based on the CCR5 manuscript, evidenced by the cover letter dated December 21, 1995 from me to patent attorney Van Malderen that is attached as Exhibit D to this Declaration. A verified English translation of the letter dated December 21, 1995 is also attached as part of Exhibit D to this Declaration.
8. On January 5, 1996, patent attorney Van Malderen sent a draft of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" to me for review by me and the inventors, as evidenced by the cover letter dated January 5, 1996 that is attached as Exhibit L to the Declaration of Eric Van Malderen filed herewith. A verified English translation of the letter dated January 5, 1996 is also attached as part of Exhibit L to the Declaration of Eric Van Malderen filed herewith.
9. On January 31, 1996, patent attorney Van Malderen sent a letter to me at Euroscreen requesting that I obtain additional information from the inventors for incorporation into the patent application, as evidenced by the cover letter dated January 31, 1996 that is attached as Exhibit M to the Declaration of Eric Van Malderen filed herewith. A verified English translation of the letter dated January 31, 1996 is also attached as part of Exhibit M to the Declaration of Eric Van Malderen filed herewith.
10. On February 15, 1996, I sent a letter to patent attorney Van Malderen which was received by patent attorney Van Malderen on February 19, 1996 (based on the "Received Office Van Malderen" date stamp listing a received date of February 19, 1996.) Attached to my letter dated February 15, 1996 was a revised version of the patent application containing revisions by the inventors. A copy of my letter dated February 15, 1996 showing the "Received 19-2-1996 Office Van Malderen" date stamp is attached as Exhibit E to this Declaration. A verified English translation of my letter dated February 15, 1996 is also attached as part of Exhibit E to this Declaration.

11. Prior to or on February 29, 1996, I had a conversation with patent attorney Van Malderen in which I advised patent attorney Van Malderen to file the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" with the European Patent Office. I also sent patent attorney Van Malderen a letter dated February 29, 1996 requesting that he file the revised and completed version of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" with the European Patent Office. A copy of my letter dated February 29, 1996 is attached as Exhibit F to this Declaration. A verified English translation of my letter dated February 29, 1996 is also attached as part of Exhibit F to this Declaration.

12. Attached as Exhibit P to this Declaration is a printout of an electronic version of the CCR5 manuscript sent to the United States scientific journal *Biochemistry* on December 12, 1995.

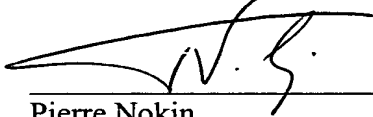
13. Attached as Exhibit Q is a computer printout of Windows Explorer showing the electronic copy of the CCR5 manuscript attached as Exhibit P entitled "CHEMR13" was last modified on December 12, 1995 (the same day the CCR5 manuscript was sent to the United States scientific journal *Biochemistry*).

14. The CCR5 manuscript attached as Exhibit P discloses the full CCR5 sequence and is substantially similar to the article published in *Biochemistry* on March 19, 1996 (Exhibit H to the Declaration of Marc Parmentier Under 37 C.F.R. § 1.131 executed on April 29, 2002), except for minor editorial revisions requested by *Biochemistry*.

15. Attached as Exhibit R is a copy of a letter from *Biochemistry* dated February 1, 1996 requesting "minor revision" to the CCR5 manuscript sent to the United States on December 12, 1995. In particular, Exhibit R states, "We are returning the manuscript [sent on December 12, 1995] to you for minor revision to clarify several points that our reviewers have raised." The comments of *Biochemistry's* reviewers are also attached as part of Exhibit R. The letter and comments of Exhibit R show that only minor editorial revisions of the CCR5 manuscript were requested and, in particular, that the full CCR5 sequence was disclosed in the original manuscript and not modified afterwards.

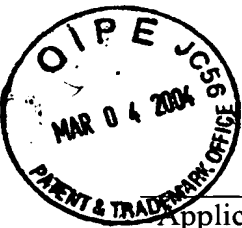


16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Pierre Nokin  
President and Chief Executive Officer  
for Assignee, Euroscreen

February 4, 2004  
Dated



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Samson, et al.	Examiner:	J. Seharaseyon
Serial No.:	09/939,226		
Filed:	August 24, 2001	Group Art Unit:	1647
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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF MARC PARMENTIER UNDER 37 C.F.R. § 1.131

I, Marc Parmentier, declare as follows:

1. I, Marc Parmentier, am an inventor of the U.S. patent application Serial No. 09/939,226 (hereinafter referred to as "Euroscreen's CCR5 patent application"). I received a M.D. degree from Brussels University in 1981. I also hold a Ph.D. degree in Medical Sciences from Brussels University. I received my Ph.D. degree in 1990.
2. I have read and reviewed U.S. Patent No. 6,265,184 entitled "Polynucleotides Encoding Chemokine Receptor 88C" filed on December 20, 1995, and issued on July 24, 2001. I have also read and reviewed U.S. Patent No. 6,268,477 entitled "Chemokine Receptor 88-C" filed on June 7, 1996, and issued on July 31, 2001, which is a continuation-in-part of U.S. Patent No. 6,265,184. U.S. Patent Nos. 6,265,184 and 6,268,477 are referred to herein as "the '184 and '477 patents". I understand that the '184 and '477 patents were listed on an Information Disclosure Statement filed in the above-identified application on May 10, 2002.
3. Prior to December 20, 1995 (the earliest effective filing date of the '184 and '477 patents), the inventors of Euroscreen's CCR5 patent application had conceived of the invention as claimed in Euroscreen's CCR5 patent application. The invention was reduced to practice with due diligence shortly thereafter.
4. On December 12, 1995, I sent a manuscript to the United States entitled "Molecular Cloning And Functional Expression Of A New Human CC-Chemokine Receptor Gene" (hereinafter referred to as "the CCR5 Manuscript") for submission for publication in the United

States scientific journal *Biochemistry*. The CCR5 Manuscript described the sequence of the human CCR5 receptor, the expression in a stable recombinant cell line of the human CCR5 receptor, and the pharmacology (ability to recognize a set of specific chemokines in vitro) of the human CCR5 receptor. The CCR5 Manuscript was the basis for Euroscreen's CCR5 patent application. The CCR5 Manuscript was sent to the United States on December 12, 1995, addressed to Dr. Gordon G. Hammes, Editor of *Biochemistry*, Room 081 Yellow Zone, Duke South, Duke University Medical Center, Durham, North Carolina 27710, U.S.A. A copy of the cover letter I sent to the United States with the CCR5 Manuscript on December 12, 1995 is attached as Exhibit G to this Declaration.


5. From December 12-14, 1995, the CCR5 Manuscript was in route via mail services from Euroscreen to Dr. Gordon G. Hammes, Editor of *Biochemistry* in Durham, North Carolina, U.S.A.

6. On December 14, 1995, the CCR5 Manuscript was received by Dr. Gordon G. Hammes, Editor of *Biochemistry* in Durham, North Carolina, U.S.A. Evidence of receipt of the CCR5 Manuscript by the Editor of *Biochemistry* in Durham, North Carolina, U.S.A. is shown on the top of the first page of the published CCR5 Manuscript that states, "Received December 14, 1995." A copy of the CCR5 Manuscript as published in *Biochemistry* on March 19, 1996 listing that the CCR5 Manuscript was "Received on December 14, 1995" is attached as Exhibit H to this Declaration.

7. Sometime after December 12, 1995, I received a confirmation receipt from *Biochemistry*. The confirmation receipt lists that the CCR5 Manuscript was "Rec'd: DEC 14, 1995" confirming that *Biochemistry* received the CCR5 Manuscript on December 14, 1995. The confirmation receipt also states, "The foregoing manuscript has been assigned to the Associate Editor . . . ." The confirmation receipt from *Biochemistry* is undated, but it was received shortly after my December 12, 1995 submission to *Biochemistry*. A copy of the confirmation receipt from *Biochemistry* is attached as Exhibit I to this Declaration.

8. From December 23, 1995 to January 2, 1996, I was on vacation for the Christmas and New Year's holidays.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
Marc Parmentier

February 5, 2004  
Date



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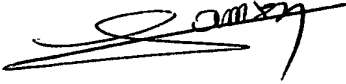
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

DECLARATION OF MICHEL SAMSON UNDER 37 C.F.R. § 1.131

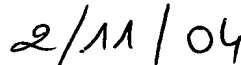
I, Michel Samson, declare as follows:

1. I, Michel Samson, am an inventor of the U.S. patent application Serial No. 09/939,226 (hereinafter referred to as "the CCR5 patent application"). I hold a Ph.D. degree in Biological Sciences from the University of Paris XI. I received my Ph.D. degree in 1993.
2. I have read and reviewed U.S. Patent No. 6,265,184 entitled "Polynucleotides Encoding Chemokine Receptor 88C" filed on December 20, 1995, and issued on July 24, 2001. I have also read and reviewed U.S. Patent No. 6,268,477 entitled "Chemokine Receptor 88-C" filed on June 7, 1996, and issued on July 31, 2001, which is a continuation-in-part of U.S. Patent No. 6,265,184. U.S. Patent Nos. 6,265,184 and 6,268,477 are referred to herein as "the '184 and '477 patents". I understand that the '184 and '477 patents were listed on an Information Disclosure Statement filed in the above-identified application on April 5, 2002.
3. Prior to December 20, 1995 (the earliest effective filing date of the '184 and '477 patents), the inventors of Euroscreen's CCR5 patent application had conceived of the invention as claimed in Euroscreen's CCR5 patent application. The invention was reduced to practice with due diligence shortly thereafter.
4. From December 23, 1995 to January 2, 1996, I was on vacation for the Christmas and New Year's holidays.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michel Samson



Date



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**DECLARATION OF ERIC VAN MALDEREN UNDER 37 C.F.R. § 1.131**

I, Eric Van Malderen, declare as follows:

1. I, Eric Van Malderen, am a registered Patent Attorney with the Belgian Office of Industrial Property. Since 1990, I have worked at Office Van Malderen practicing patent law. I hold a degree in biology from the University of Brussels (ULB) and I am a graduate from the Centre for International Industrial Property Studies (CEIPI) in Strasbourg, France.
2. On December 20, 1995, I had a telephone conversation with Dr. Pierre Nokin, Chief Executive Officer of Euroscreen, relating to his request that I prepare a patent application on the CCR5 discoveries. During our conversation, Dr. Nokin explained that a manuscript describing the cloning of the human CCR5 receptor and the role of the human CCR5 receptor in HIV entry into cells had been mailed to the U.S. scientific journal *Biochemistry* on December 12, 1995. Dr. Nokin and I discussed patent protection strategies for both outside and inside the United States.
3. On December 21, 1995, Dr. Pierre Nokin mailed to me a copy of a manuscript by Samson et al. describing the CCR5 discovery. This is the same manuscript submitted to U.S. scientific journal *Biochemistry*. Dr. Nokin requested that I use the manuscript for preparation of a patent application disclosing the CCR5 discovery. A copy of Dr. Pierre Nokin's cover letter dated December 21, 1995 attached as Exhibit D to the Declaration of Pierre Nokin filed

herewith. A verified English translation of Dr. Pierre Nokin's letter dated December 21, 1995 is also attached as part of Exhibit D to the Declaration of Pierre Nokin filed herewith..

4. I received Dr. Pierre Nokin's letter dated December 21, 1995 on December 27, 1995 (based on the "Received Office Van Malderen" date stamp listing a received date of December 27, 1995). A copy of Dr. Pierre Nokin's letter dated December 21, 1995 showing the "Received 27-12-1995 Office Van Malderen" date stamp is attached as Exhibit K to this Declaration. A verified English translation of Dr. Pierre Nokin's letter dated December 21, 1995 is also attached as part of Exhibit K to this Declaration.

5. During December 27, 1995 through March 1, 1996, I diligently prepared a patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" that was filed in the European Patent Office on March 1, 1996.

6. In particular, during the time period from December 27, 1995 through January 5, 1996, I diligently prepared a first draft of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" (even though the New Year's holiday occurred during this time period).

7. On January 5, 1996, I sent a preliminary draft of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" to the attention of Dr. Pierre Nokin at Euroscreen for review by Dr. Nokin and the inventors, as evidenced by the cover letter dated January 5, 1996 that is attached as Exhibit L to this Declaration. A verified English translation of my letter dated January 5, 1996 is also attached as part of Exhibit L to this Declaration.

8. On January 31, 1996, I sent a letter to Dr. Pierre Nokin at Euroscreen requesting that he obtain additional information from the inventors for the patent application, as evidenced by the cover letter dated January 31, 1996 that is attached as Exhibit M to this Declaration. A verified English translation of my letter dated January 31, 1996 is also attached as part of Exhibit M to this Declaration.

9. I received Dr. Pierre Nokin's letter dated February 15, 1996 on February 19, 1996 (based on the "Received Office Van Malderen" date stamp listing a received date of February 19, 1996).



Attached to Dr. Pierre Nokin's letter dated February 15, 1996 was a revised version of the patent application containing revisions by the inventors. A copy of Dr. Pierre Nokin's letter dated February 15, 1996 showing the "Received 19-2-1996 Office Van Malderen" date stamp is attached as Exhibit N to this Declaration. A verified English translation of Dr. Pierre Nokin's letter dated February 15, 1996 is also attached as part of Exhibit N to this Declaration.

10. On February 21, 1996, I sent a copy of the revised patent application to Inventor Marc Parmentier for Marc Parmentier's review as evidenced by the cover letter dated February 21, 1996 that is attached as Exhibit O to this Declaration. A verified English translation of my letter dated February 21, 1996 is also attached as part of Exhibit O to this Declaration.

11. Prior to or on February 29, 1996, I had a conversation with Dr. Pierre Nokin in which he advised me to file the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" with the European Patent Office.. Dr. Pierre Nokin also sent me a confirmation letter dated February 29, 1996 requesting that I file the revised and completed version of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" with the European Patent Office. A copy of Dr. Pierre Nokin's letter dated February 29, 1996 is attached as Exhibit F to the Declaration of Pierre Nokin filed herewith. A verified English translation of Dr. Pierre Nokin's letter dated February 29, 1996 is also attached as part of Exhibit F to the Declaration of Pierre Nokin filed herewith.

12. On March 1, 1996, I filed the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" with the European Patent Office. This application was given a filing date of March 1, 1996 and assigned Application No. EP 96870021.1.

13. From the time I initially learned about the CCR5 discovery on December 20, 1995, until filing the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" on March 31, 1996, I had a full docket of other patent matters to work on, but I was diligent in my preparation of the patent application entitled "CC-Chemokines Receptor And Nucleic Acid Molecule Encoding Said Receptor" and handled applications in the chronological order in which they were submitted.

14. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
\_\_\_\_\_  
ERIC VAN MALDEREN

**11 FEB. 2004**

11-02-2004  
Date



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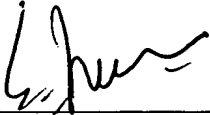
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**DECLARATION OF GILBERT VASSART UNDER 37 C.F.R. § 1.131**

I, Gilbert Vassart, declare as follows:

1. I, Gilbert Vassart, am an inventor of the U.S. patent application Serial No. 09/939,226 (hereinafter referred to as "the CCR5 patent application"). I received a M.D. degree from Brussels University in 1969. I also hold a Ph.D. degree in Medical Sciences from Brussels University. I received my Ph.D. degree in 1974.
2. I have read and reviewed U.S. Patent No. 6,265,184 entitled "Polynucleotides Encoding Chemokine Receptor 88C" filed on December 20, 1995, and issued on July 24, 2001. I have also read and reviewed U.S. Patent No. 6,268,477 entitled "Chemokine Receptor 88-C" filed on June 7, 1996, and issued on July 31, 2001, which is a continuation-in-part of U.S. Patent No. 6,265,184. U.S. Patent Nos. 6,265,184 and 6,268,477 are referred to herein as "the '184 and '477 patents". I understand that the '184 and '477 patents were listed on an Information Disclosure Statement filed in the above-identified application on April 5, 2002.
3. Prior to December 20, 1995 (the earliest effective filing date of the '184 and '477 patents), the inventors of Euroscreen's CCR5 patent application had conceived of the invention as claimed in Euroscreen's CCR5 patent application. The invention was reduced to practice with due diligence shortly thereafter.
4. From December 23, 1995 to January 2, 1996, I was on vacation for the Christmas and New Year's holidays.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Gilbert Vassart



Date